IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2219 OF 2006

Janardhan Prasad Chaturvedi ... Petitioner

Vs.

State of Maharashtra & Anr. ... Respondents

Mr. Dilip Rai for the petitioner.

Ms. M.H. Mhatre, A.P.P. for respondent 1.

Mr. J.S. Badigannavar for respondent 2.

CORAM : SMT. RANJANA DESAI, J.

DATED : 8TH DECEMBER, 2006.

P.C. :-

1. Heard the learned counsel for the parties.

2. Admittedly, the discharge applications filed by the accused are pending in the 19th Court at Esplanade, Mumbai. I am informed that the said discharge applications are pending since 2001. Pursuant to the order passed by Justice A.S. Oka on 17/10/2006, the Additional Chief Metropolitan Magistrate has submitted his report on 8/11/2006 to this court. The report indicates that the 9th court is vacant and its charge is

entrusted to Mr. Shisode since 1/8/2006. It appears that from 19/4/2003 till 24/5/2004 the accused have not taken steps to keep their counsel present. Thereafter, the A.P.P. has taken time to submit reply. After that, the A.P.P. has prayed for dates for arguments on the said applications and some times dates were given due to absence of the accused or on the prayer for date of the accused concerned. Some times, it was adjourned by consent of both sides.

3. If the applications for discharge are not disposed of, it appears to be entirely because of the negligence and lethargy of the parties. They can hardly make a grievance that the court has not disposed of the applications. In any event, in the interest of justice, the learned Magistrate seized of the matter is directed to hear and dispose of the pending discharge applications by 20/2/2007.

4. Writ petition is disposed of.

[SMT. RANJANA DESAI, J.]